

The opinion in support of the decision being
entered today is not binding precedent of the Board.

Paper 18

Filed by: Trial Section Merits Panel
Board of Patent Appeals and Interferences
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UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

FAXED

SEP 29 2003

ILYA OKUN and ALEX OKUN,
Junior Party
(Patent 5,919,646),

**PAT. & T.M. OFFICE
BOARD OF PATENT APPEALS
AND INTERFERENCES**

v.

JOHN WALLACE PARCE, ANNE R. KOPF-SILL
and LUC J. BOUSSE,
Senior Party
(Applications 09/608,898).

Patent Interference No. 105,042

Before: SCHAFER, TORCZON and SPIEGEL, Administrative Patent Judges.
SCHAFER, Administrative Patent Judge.

JUDGMENT PURSUANT TO 37 CFR § 1.662

Senior party Parce has expressly abandoned involved Application, 09/608,898. See Paper 17. Pursuant to 37 CFR § 1.662(a), the abandonment of an involved application is treated as a request for entry of an adverse judgment. Accordingly, it is

ORDERED that judgment on priority as to the subject matter of Count 1 (Paper 1, p. 5), is awarded against the senior party, JOHN WALLACE PARCE, ANNE R. KOPF-SILL and LUC J. BOUSSE;

FURTHER ORDERED that senior party, JOHN WALLACE PARCE, ANNE R. KOPF-SILL and LUC J. BOUSSE, is not entitled to a patent containing claims 75-101 (corresponding to Count 1) of Application 09/608,898;

FURTHER ORDERED that a copy of this judgment be made of record in the file of Patent 5,919,646 and in Application 09/608,898; and

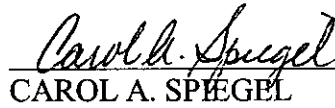
FURTHER ORDERED that if there is a settlement agreement which has not been filed, attention is directed to 35 U.S.C. § 135(c) and 37 CFR § 1.661.


RICHARD E. SCHAFER

Administrative Patent Judge


RICHARD TORCZON

Administrative Patent Judge


CAROL A. SPIEGEL

Administrative Patent Judge

BOARD OF PATENT
APPEALS AND
INTERFERENCES

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